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TO: Examiner Steven Ho Yin Loke  
U.S. Patent and Trademark Office

FAX NO.: 1-571-273-1657

FROM: Brett Lovejoy, Reg. No. 42,813

PAGES: 3 + Cover Sheet

DATE: December 15, 2004

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U.S. Patent Application No.: 10/798,737

Confirmation No.: 6425

Application of: Blais et al.

Art Unit: 2811

Filed: March 10, 2004

Examiner: Steven Ho Yin Loke

For: **RESONANT CONTROLLED  
QUBIT SYSTEM**

Attorney Docket No.: 706700-999185

*Message*

**OFFICIAL FILING**

**Terminal Disclaimer**

Transmitted herewith are the following documents relating to the above-identified patent application:

1. Terminal Disclaimer - 3 pages.

**CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on December 15, 2004 to facsimile telephone number (571) 273-1657.

  
Brett Lovejoy

Reg. No. 42,813

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VIA FACSIMILE to FAX NOS. 703-872-9306 and 571-273-1657

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Blais et al.	Confirmation No.:	6425
Serial No.:	10/798,737	Art Unit:	2811
Filed:	March 10, 2004	Examiner:	Steven Ho Yin Loke
For:	RESONANT CONTROLLED QUBIT SYSTEM	Attorney Docket No.:	706700-999185

TERMINAL DISCLAIMER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Your Petitioner, **Robert D. Wiens**, represents that he holds the position of **Chief Financial Officer of D-Wave Systems, Inc.**, the assignee of the entire 100% right, title and interest in and to the above identified application by virtue of an assignment which was recorded for parent application No. 10/419,024 (attorney docket number 01190-012-999) on March 16, 2004 at reel 014434 frame 0724.

Petitioner hereby disclaims the terminal part of any patent granted on the above identified application which would extend beyond the expiration date of any patent granted on co-pending U.S. Patent Application No. 10/801,340 filed on March 15, 2004 for which a Notice of Allowance was mailed on October 13, 2004. The entire right, title, and interest in and to U.S. Patent Application No. 10/801,340 is also assigned to D-Wave Systems, Inc. by virtue of the same assignment which was recorded for common parent application No. 10/419,024. Petitioner hereby agrees that any patent so granted on U.S. Patent Application No. 10/798,737 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on U.S. Patent Application No. 10/801,340.

Petitioner further agrees that this agreement is to run with any patent granted on U.S. Patent Application No. 10/798,737 and is to be binding upon the grantee, its successors, and assigns.

Petitioner does not disclaim any terminal part of any patent granted on U.S. Patent Application No. 10/798,737 prior to the expiration date of the full statutory term of any and all patents granted on U.S. Patent No. 10/801,340 in the event that said patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the

CAJD: 507409.1

Serial No. 10/798,737

JONES DAY DOCKET NO. 706700-999185

separation of legal title stated above.

Petitioner hereby confirms that he has reviewed the assignment and, to the best of his knowledge and belief, title is in the assignee seeking to take action in this matter and that he is empowered to act on behalf of D-Wave Systems, Inc.

Petitioner hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 15<sup>th</sup> day of December, 2004.

D-Wave Systems, Inc.

By: \_\_\_\_\_



Name: **Robert D. Wiens**  
Position: **Chief Financial Officer**

VIA FACSIMILE to FAX NOS. 703-872-9306 and 571-273-1657

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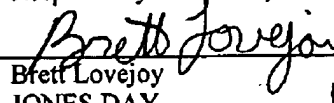
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The fee for processing the attached Terminal Disclaimer is believed to be \$65.00 for a small entity. Please charge the required fee to Jones Day Deposit Account No. 50-3013. A copy of this sheet is attached for accounting purposes.

Date: December 15, 2004

Respectfully submitted,

  
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42,813

(Reg. No.)